

**FILED**

**JUL 26 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

FLORENTINO ZUNIGA COLIN; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-76504

Agency Nos. A75-706-881  
A75-706-882

MEMORANDUM<sup>\*</sup>

FLORENTINO ZUNIGA COLIN; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 06-73296

Agency Nos. A75-706-881  
A75-706-882

On Petition for Review of an Order of the  
Board of Immigration Appeals

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Florentino Zuniga and his wife Iridia Virginia Colin Paredes, natives and citizens of Mexico, have filed petition for review from the Board of Immigration Appeals' summary affirmance of an immigration judge's denial of their applications for cancellation of removal.

We lack jurisdiction to consider petitioners' challenge to the agency's discretionary determination that they failed to demonstrate exceptional and extremely unusual hardship to their qualifying relatives. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1144 (9th Cir. 2002). To the extent petitioners raise a due process challenge to the hardship determination, we lack jurisdiction because their claims are not colorable. *See Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001) (indicating that an applicant may not create the jurisdiction Congress chose to remove simply by cloaking an abuse of discretion argument in constitutional garb).

Petitioners' challenge to the BIA's streamlining procedures is foreclosed by

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\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

our holding in *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 855 (9th Cir. 2003).

**PETITIONS FOR REVIEW DISMISSED IN PART AND DENIED IN  
PART.**